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ABSTRACT

Reliance on racial balance and busing as the chief tool for implementing the "Brown" decision by virtually every legal agency with sufficient legal and financial resources to represent the educational interests of black and other minority-group students is questionable on grounds of historical precedent, parental priorities, and educational expertise. Historically, blacks have been more concerned with equality in education than with being educated with whites but came to believe that they couldn't have the former without the latter. Presently, courts will listen to arguments for educational remedies rather than for racial balancing. The long delayed implementation of the "Brown" decision, the continuing hostility of the society to its implementation, and the less-than-impressive achievement statistics attributed to black students in desegregated settings, all have resulted in a restructuring of the parental priorities to focus first and foremost on educational quality. Available research fails to show a relationship between conventional resources and achievement, and efforts to ascertain either a positive or negative influence from desegregation have led to inconsistent conclusions, or to no conclusions at all. A racial balance policy is an insufficient and sometimes inappropriate response to the present inequity that characterizes public instruction for black children. (Author/IRT)

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A REASSESSMENT OF RACIAL-BALANCE REMEDIES

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Introduction

In my view, based on more than twenty years of litigating and writing about school desegregation issues, the continuing commitment of private and government civil rights groups to racial balance remedies as the major method of obtaining for black children the "equal educational opportunity" guaranteed them by the Supreme Court 26-year-old decision in Brown v. Board of Education is not only obsolete policy, but reflects a wasteful, dangerous, and demeaning refusal to consider alternative remedies at a time when racially balanced schools that are stable and educationally effective are virtually impossible in many communities.

Reliance on racial balance is wasteful because it deprives courts and governmental civil rights agencies of the flexibility needed to formulate viable educational remedies. The absence of such alternative remedies condemns thousands of black children to remain in racially isolated and educationally bankrupt schools. Thousands of others are bused to schools miles from their homes in total disregard for the expressed preferences of their parents.

Continuing pressure for racial balance under all conditions, regardless of its cost and disruptive potential, and while the educational benefits to be obtained are unproven, is dangerous. Such pressure is slowly eroding the judicial support for school desegregation built up over the years. Courts are increasingly reluctant to approve desegregation plans that call for great expenditures of money, time, and effort, and are growing increasingly concerned

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about what one judge called the "frustration of innocent Americans who scrape and save money to buy a home in a nice residential neighborhood, near a public school . . . [and] find their plans have been destroyed by the judgment of a federal court."

Finally, the insistence on racially balancing every public school that is black, perpetuates the demeaning and unproven assumption that blacks must have a majority-white presence in order to either teach or learn effectively. This assumption mars the potential psychological benefit of education for blacks by limiting the definition of "integrated schools" to those which are predominantly white. More importantly, it casts blacks in the role of subordinates in every aspect of the public school process, enabling school systems to boast that they have complied with Brown, while effectively relegating black children to a status that all too frequently is "integrated and unequal."

Reliance on racial balance and busing as the chief tool for implementing the Brown decision by virtually every legal agency with sufficient legal and financial resources to represent the educational interests of black and other minority-group students, is questionable on grounds of: (1) historical precedent; (2) parental priorities; and (3) educational expertise.

Before reviewing each of these areas, it is appropriate -- even necessary -- to respond to the charge that any divergence from or criticism of racial balance policies are antithetical to the interests of black people, and ammunition for racists who wish to overturn the Brown decision and re-establish compulsory, segregated schools.

I agree with Columbia University's Professor Charles Hamilton, who stated, " . . . Black people who once worked for desegregated schools but who no longer do so are viewed as having given up the fight, as having joined the white racists, and, indeed, as having become black racists and advocates of 'Black Power separatism'." With Charles Hamilton, I would respond that the seeming similarity

of the suggestions contained in this paper to the views of some white segregationists whose ultimate goal is to deny educational opportunity to black people is an appearance that is unavoidable. There is a world of difference though between "separate but equal" schools established over the objection of blacks and maintained to insure the inferior character of the education they provided, and institutions designed for and responsive to the very special educational needs of black children who either by reason of parental choice or legal barriers, are unable to attend desegregated schools.

I. Historical Precedent

For at least 175 years before the Supreme Court's opinion in Brown, black parents sought good schools for their children in the face of continuing white opposition. Because of their minority status and their lack of power, blacks have utilized both separate and integrated schools in seeking this goal. For example, the current school crisis over desegregation of Boston's public schools did not begin in the mid-1960s with the passage of the state's "Racial Imbalance Act," but in 1787, when Prince Hall, black Revolutionary War veteran, petitioned the legislature to grant blacks their own educational facilities because in his words, they "now receive no benefit from the free schools." The Boston request was repeated throughout New England where most local school committees assigned black children to separate institutions, when they did not exclude them from public schools altogether. Those schools established for blacks were generally so under-funded and inadequate, that black parents in increasing numbers sought admission to white schools. These efforts were generally unsuccessful, except in areas where the exclusion of blacks from the white schools would deprive them of a public education altogether. In some cases of this character, blacks were ordered admitted to white schools. Where black schools existed, however, the great weight of authority approved segregation and

inequality. Both concepts were given tacit approval by the Supreme Court's "separate but equal" doctrine in the 1896 decision of Plessy v. Ferguson.

For a half century, blacks and their legal representatives sought without much success to give meaning to the "equal" part of the Plessy standard. This experience led to the conclusion that black children, with limited exceptions, would not receive an education equal to that provided whites unless they attended the same schools. This conclusion, followed by Herculean efforts and propitious political circumstances, resulted in the 1954 Brown decision. The removal of legal protection of racial discrimination spurred blacks to efforts that have resulted in major educational gains.

But despite some progress, the twenty-sixth anniversary of Brown finds a substantial percentage of black children still attending predominantly black schools and a large, if unascertainable, number of black children whose enrollment in integrated schools is not proving of educational benefit. More progress can and should be made in desegregating public school systems in the North and South. But the continuing migration of whites from the cities to the suburbs while blacks immigrate from the country to the city indicates that the number of predominantly black urban school systems will continue to grow. Federal courts, in the face of rising public and political opposition, have continued to give very strong support to minority litigants in school cases. But there is growing concern that the outer limits of judicial authority to order school desegregation involving long-distance transportation have been reached.

Courts will listen to arguments for educational remedies. They have done so in the context of traditional school desegregation suits, and have ruled that "educational components" are an acceptable substitute for racial balance in Detroit, Michigan and Atlanta, Georgia. Indeed, racial balance plans receive reluctant approval because in most cases, the courts never hear about educational

remedies from either school boards or civil rights attorneys. This silence does not reflect the interests of black parents.

II. Parental Priorities

In view of the serious obstacles to further school desegregation, particularly in large urban areas, what is the source of the mandate under which civil rights groups have continued to push for racial balance remedies? Obviously, no public opinion poll of black parental interests is feasible, and I would not argue that civil rights leaders are obligated to base their policies on the responses of this or that percentage of the black population on any given issue. Moreover, there are no doubt many black parents, particularly those in smaller urban or rural communities, who continue to favor racial balance remedies as the best hope for obtaining quality schools for their children.

Their choice is understandable if misguided. Two and one-half decades of desegregation efforts have not ended the society's prediliction to favor schools where whites attend. The advantages of inter-action for both black and white children are great. And even with its implicit racial insult, and the educational short-changing that black children often receive in integrated settings, the concept of integrated schools is attractive and in keeping with the nation's ideals.

But ideals will not alter the fact that black children need quality schools now, and a growing percentage of their number reside in urban school districts where the chances for meaningful desegregation before the Brown decision doubles its age are increasingly bleak. These realities justify at least serious consideration of alternative means of securing Brown's promise of "equal educational opportunity." Middle-class black parents have options in where their children attend school. We in policy-making decisions should not assume that the poor have concerns for their children's educations that are different from our own.

Several years ago, former U.N. Ambassador Andrew Young reported that his young child had been assigned to a mainly white school with ill-trained teachers and a high percentage of lower-class white children. There was a predominantly black school located closer to Young's home, attended by a large percentage of middle-class black children. The school had black leadership and was involved in a number of impressive educational programs. Young confessed that the situation posed a serious dilemma for him, but that "when I found that my belief in integration was posing a harm to the educational future of my child, I decided that my child's education was more important than my devotion to integration." Young's decision to withdraw his child from the integrated school and place her in the predominantly black school closer to his home is a decision, I suggest, that, placed in a similar situation, the vast majority of black parents would follow.

The fact is that following the Brown decision, virtually all blacks saw a desegregated education as the best hope for their children. But the long-delayed implementation of the decision, the continuing hostility of the society to its implementation, and the less-than-impressive achievement statistics attributed to black students in desegregated settings, all have resulted in a restructuring of the parental priorities to focus first and foremost on educational quality.

III. Educational Expertise

It may never be known how much the social science testimony concerning the adverse effects of segregation on black children contributed to the Court's decision to invalidate the "separate but equal" standard as it applied to public schools. It is certain though that the refusal of civil rights groups to consider alternatives to school desegregation cannot be based on research data

proving that racially balanced schools provide clear, educational benefit for black children. Efforts to ascertain this benefit have been made. But available social science research fails even to show a relationship between conventional resources and achievement, and efforts to ascertain either a positive or negative influence of desegregation have led to inconsistent conclusions, or none at all. Therefore, a racial balance policy, whether voluntarily adopted or court ordered, is an insufficient and sometimes inappropriate response to the present inequity that characterizes public instruction for Black children.

It is true that a large measure of contemporary racial balance strategy is based on the hope that black kids will get what white kids get, if they go where the whites go. As Dr. Kenneth Clark has concluded: "It is not the presence of the white child per se that leads to a higher achievement for the Negro child who associates with him in class; it is the quality of the education provided because the white child is there that makes the difference. . . ."

These are wise words, and an appropriate basis for school policy decisions in those instances where desegregation on the racial balance model is a reasonable possibility, and -- as importantly --where black parents who are aware of alternative methods, choose this remedy. But the policy-makers in civil rights groups recognize no exceptions. For them, there can be no effective education in a racially isolated school. Integration through racial balance is the only possibility. The policy may well serve the virtue of consistency far better than it does the immediate educational needs of poor, black children.

The tremendous effort to gain compliance with Brown has caused some to forget that black schools are not inferior simply because they are black. Rather, most are inferior because they have been seriously crippled by generations of not just enforced segregation, but by what Kenneth Clark has found is the significant correlation between a pattern of deprivation in ghetto schools and a

pattern of advantage in white urban and suburban schools.

There are, as black educators in both public and private schools have shown, inherent, educational advantages in black schools, particularly for poor, ghetto blacks. Black first-graders from ghetto backgrounds with little prior contact with standard English are no less disadvantaged in schools insisting that they immediately learn to read standard English than are children from Chinese-speaking homes whom the Supreme Court recently found are entitled to bi-lingual or some other special instruction designed to overcome their English language deficiency. Programs in effectively functioning black schools across the country have shown the educational wisdom of modeling schools in accordance with the needs of the students they serve.

Of course, socially-induced educational problems can be overcome in integrated settings, but as black educator, Kenneth Haskins, has pointed out, integrated schools consume an inordinate amount of energy insuring and reassuring whites that the presence of blacks in their schools will not lower school quality. Thus, programs, curriculum, and personnel are selected with the interests and needs of white rather than black students given priority. Where the interests and needs diverge, and resources are inadequate to serve both, black children will likely suffer.

In black schools, particularly where parents have learned the value of and been given the opportunity to participate in school policy making, full attention can be given to the often specialized interests and educational needs of black children. Special school committee meetings are not required before pictures from Ebony can be posted or black dolls added to the kindergarten toy chest.

The learning potential in such structures is obvious to educators, if not to civil rights leaders with their eyes fixed on integration. But as Dr. Mario Fantini said several years ago, effective black schools may further, not retard,

the integration goal. "Desegregation refers," he said, "to the physical mixing of black and white students; integration refers to humans connecting as equals." Even agreeing on the goal of integration, Fantini argued that it is necessary for black and other minority groups to have a sense of cohesion and identity which can in part be achieved through the control of their own institutions. "Once blacks attain a status of potency," Fantini predicted, "they will be in a better position to connect up with white society as equals rather than as 'junior' members." Therefore, effectively run schools, though mainly black, can be viewed as necessary steps toward a further stage of integration.

Most courts do not want to abandon the goals of Brown, but they need help in fashioning remedies for past racial deprivation that offer real promise without the politically disruptive and educationally-suspect plans that rely totally on balancing the races in each public school. To date, this help has not come from either the national civil rights groups, or the U.S. government. I call on them to reassess their position, and for educational researchers to devote their efforts to studies of schools that are effectively serving black children. Surely, the impressive work in this area report by Sara Lightfoot in her recent book, Worlds Apart: Relationships Between Families and Schools, should not remain the last word on this vitally important subject.

We need now, as Ron Edmonds suggested several years ago, a redefinition of integration so as to make it more culturally democratic and thus more educationally effective. That redefinition will require the development of effective interaction for majority black schools. A reassessment of racial balance remedies should reveal to educational professionals what many black parents have always known about their children's educations.